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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

| | | |
|---------------------------|---|----------------------------------|
| UNITED STATES OF AMERICA, |) | CR No. 07-0309 WHA |
| Plaintiff, |) | |
| v. |) | STIPULATION AND [PROPOSED] ORDER |
| |) | EXCLUDING TIME |
| JOSE JESUS MADRIGAL-DIAZ, |) | |
| Defendant. |) | |
| _____ |) | |

On May 21, 2007, the parties in this case appeared before the Court and stipulated that time should be excluded from the Speedy Trial Act calculations from May 21, 2007 to May 29, 2007 for continuity of counsel and effective preparation of counsel. The parties represented that granting the continuance was necessary for effective preparation of counsel, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv).

SO STIPULATED:

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SCOTT N. SCHOOLS
United States Attorney

DATED: May 29, 2007

/s/
DENISE MARIE BARTON
Assistant United States Attorney

DATED: May 29, 2007

/s/
JEFFRY GLENN
Attorney for JOSE JESUS MADRIGAL-
DIAZ

As the Court found on May 21, 2007, and for the reasons stated above, the Court finds that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial and that time should be excluded from the Speedy Trial Act calculations from May 21, 2007 to May 29, 2007 for continuity of counsel and effective preparation of counsel. See 18 U.S.C. §3161 (h)(8)(A). The failure to grant the requested continuance would deny defendant continuity of counsel and deny counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

SO ORDERED.

DATED: _____

Honorable Nandor J. Vadas
United States Magistrate Court Judge